

City Council Meeting Minutes

Aubrey City Hall
107 S Main St
Aubrey, TX
76227
August 22, 2024
6:00 PM



The meeting was called to order at 6:00 p.m.

Present: Erin Allen, Chuck Fikes, Randy Jones, Matt Jones

Absent: Jeff Perry

Staff Present: City Attorney Patricia Adams, City Manager Charles Kreidler, City Secretary Jenny Hicks, Finance Director Mike English, Fire Chief Eric Schlotter, Police Chief Richard Brooks, Director of Development Services and Public Works Leanne Wilson, Library Manager Brittany McLain, HR Director Shaena Williams, Municipal Development Director Christine Gossett, Planner Helen-Eve Beadle (via videoconference), Development Manager Shanda Guffee

Pastor Clarence Dalwrimple with Faith Assembly provided the invocation.

Community Announcements:

Announcements:

- Annual Peanut Festival, October 5th beginning at 9:00 a.m.
- National Night Out will be October 1st.
- Trunk or Treat and Movie in the Park, October 26th at the library at 5:30 p.m.
- Business Resource Fair, August 28th at the Aubrey Area Library Community Center from 4:30 to 6:30 p.m.

Presentations:

- Live United Proclamation
- Constitution Week Proclamation
- Development Services New Hire
- Police Department Promotion

- **Denise Andrews received the Constitution Week Proclamation**

- **Carrell Ann Simmons and Teddy Yan received the Live United Proclamation**
- **Leanne Wilson announced the new Chief Building Official, Josh McConnell.**
- **Chief Brooks announced the promotion of Dylan Scott to Sergeant and held the ceremonial badge-pinning.**

Citizen Input: None

Consent Items: Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council, board members or staff. Consideration and action on the following:

1. Approve minutes of the July 25, 2024 Regular Meeting and July 31, 2024 Special Meeting and Workshop.
2. Approve Monthly Staff Reports
3. Approve Monthly Financial Report.
4. Approve the transfer of ownership of a 2017 Ford Explorer and a 2019 Chevrolet Tahoe from the City of Aubrey to the Town of Providence Village due to established vehicle replacement criteria and authorize the Police Department to execute title transfer documents on behalf of the City of Aubrey.
5. Authorize 2017 Ford Explorer and 2014 Chevrolet Tahoe to be disposed of by public auction and authorize the Police Department to execute necessary documents on behalf of the City of Aubrey.
6. Resolution 977-24 accepting a dedication of approximately 0.47 acre tract of real property situated in the F. Trevino Survey, abstract No 1243, City of Aubrey, Denton County, Texas for Municipal use, and authorizes the Mayor to execute necessary documents.
7. Approve a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for a Stormwater Master Plan and Stormwater Utility District Rate Study, in the amount not to exceed \$110,000, and authorize the City Manager to execute the agreement.
8. Approve a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for the Dane Street Roadway Improvements and City Hall Parking Lot, in the amount not to exceed \$129,800, and authorize the City Manager to execute the agreement.
9. Approval of Ordinance 864-24 amending Chapter 9, "Personnel", Article 9.01 of the Code of Ordinances regarding the City's participation in Texas Municipal Retirement Benefits by authorizing annually accruing Updated Service Credits and annually accruing cost of living adjustment; and providing an effective date.
10. Approve a Permanent Sanitary Sewer Easement Acquisition for the Aubrey Blackjack Sewer Improvement Project.
11. Approve a Permanent Sanitary Sewer Easement Acquisition for the KLLB AIV Sewer Improvement Project.
12. Approve a Permanent Sanitary Sewer Easement Acquisition for the Highpointe Corner Sewer Improvement Project.
13. Approving the City Manager to enter into a professional services agreement with Westwood Consulting for a Downtown Farmers Market concept plan in the amount of \$24,500.
14. Approve a Professional Engineering Services Agreement Amendment with Mead &

- Hunt for the design of the Wastewater Treatment Plant Expansion in the amount of \$64,027, and authorize the City Manager to execute necessary documents.
15. An Ordinance approving a settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, regarding the company's 2024 rate review mechanism filings, and adopting tariffs that reflect the rate adjustments.
 16. Approve disposal of computers replaced during the capital replacement program.
 17. Approve a Professional Engineering Services Agreement with Westwood Professional Services, Inc. for Trivedi Park, Phase I, in the amount not to exceed \$99,900, and authorize the City Manager to execute the agreement.
 18. Acceptance of the understanding of continuing services for City Auditor and authorizing the Mayor to execute said contract on behalf of the City.

Council Member Chuck Fikes made a motion to approve the consent agenda. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed.

Recess into Tax Increment Reinvestment Zone No. 1, City of Aubrey, Texas Board Meeting

Recessed into the Tax Increment Reinvestment Zone No. 1, City of Aubrey, Texas board meeting at 6:13 p.m.

Call to Order

Present: Erin Allen, Chuck Fikes, Randy Jones, Matt Jones

Absent: Jeff Perry

1. Consider and make a recommendation to City Council regarding an Ordinance approving the proposed amendment to the approved Amended Project Plan and Financing Plan for Tax Increment Reinvestment Zone Number One, City of Aubrey, Texas (the "zone") resulting in the decrease of the participation rate pursuant to Chapter 311, Texas Tax Code.

Abdi Yassin, with Municap, provided information.

Board Member Randy Jones made a motion to recommend approval of the amendment Ordinance. Board Member Chuck Fikes seconded. Motion Passed (3:1). Board Member Erin Allen opposed.

Reconvene into Regular Session

Reconvened into regular session at 6:17 p.m.

New Business: New items requested for consideration.

1. Hold a Public Hearing, Consider and take appropriate action regarding an Ordinance of the City Council of Aubrey, Texas, approving the proposed amendment to the approved Amended Project Plan and Financing Plan for Tax Increment Reinvestment Zone No. 1, City of Aubrey, Texas (the "zone") resulting in the decrease of the participation rate pursuant to Chapter 311, Texas Tax Code.

The Public Hearing opened at 6:17 p.m. and closed at 6:18 p.m.

Abdi Yassin, with Municap, provided information.

Council Member Randy Jones made a motion to approve the Ordinance of the City Council of Aubrey, Texas, approving the proposed amendment to the approved Amended Project Plan and Financing Plan for Tax Increment Reinvestment Zone No. 1, City of Aubrey, Texas (the "zone") resulting in the decrease of the participation rate pursuant to Chapter 311, Texas Tax Code. Council Member Chuck Fikes seconded. Motion Passed (3:1). Council Member Erin Allen opposed.

2. Presentation from Rodney Dryden, from Hub International, regarding the city's health insurance plans, and consideration and action for making plan changes.

Rodney Dryden, with Hub International, provided information.

Council Member Erin Allen made a motion to approve changes to the benefit plan, as presented, and authorize the City Manager to execute the necessary documents for the health insurance plan changes. Council Member Chuck Fikes seconded. Motion Passed (4:0). None opposed.

3. Hold a Public Hearing, Consider and take appropriate action regarding an Ordinance of the City Council of Aubrey, Texas, making appropriations for the support of the City, appropriating money to a sinking fund to pay interest and principal of the City's indebtedness; approving and adopting the annual Budget of the City of Aubrey, Texas for the 2024-2025 Fiscal Year; providing for the filing of the budget in the Office of the City Secretary; and providing an effective date.

Finance Director Mike English provided information.

The Public Hearing opened at 6:23 p.m. and closed at 6:26 p.m.

Council Member Randy Jones made a motion to approve an Ordinance of the City Council of Aubrey, Texas, making appropriations for the support of the City, appropriating money to a sinking fund to pay interest and principal of the City's indebtedness; approving and adopting the annual Budget of the City of Aubrey, Texas for the 2024-2025 Fiscal Year, excluding the MDD budget. Council Member Chuck Fikes seconded. Motion Passed (4:0). None opposed.

ROLL CALL VOTE:

**Chris Rich: For
Jeff Perry: Absent
Matt Jones: For
Erin Allen: For
Randy Jones: For
Chuck Fikes: For**

4. Hold a Public Hearing, Consider and take appropriate action regarding an Ordinance of the City Council of the City of Aubrey, levying taxes and fixing and adopting the tax rate on all taxable property for the year 2024 at the rate of \$0.464000 per one hundred dollars (\$100.00) assessed value on all taxable property within the corporate limits of the City of Aubrey, Texas; the said tax rate having a maintenance and

operations component and a debt service component; providing when taxes shall become due and when same shall become delinquent if not paid together with penalties and interest thereon; and providing an effective date.

Finance Director Mike English provided information.

The Public Hearing opened at 6:27 p.m. and closed at 6:28 p.m.

Council Member Erin Allen made a motion that the property tax rate be increased by the adoption of a tax rate of \$0.464 per \$100 of taxable value, which is effectively a 43.06% increase in the tax rate and approving the Ordinance. Council Member Chuck Fikes seconded. Motion Passed (4:0). None opposed.

ROLL CALL VOTE:

**Chris Rich: For
Jeff Perry: Absent
Matt Jones: For
Erin Allen: For
Randy Jones: For
Chuck Fikes: For**

5. Consideration and action on a Resolution ratifying the property tax revenue increase reflected in the Budget for Fiscal Year 2024-2025.

Finance Director Mike English provided information.

Council Member Erin Allen made a motion to approve the Resolution ratifying the property tax revenue increase reflected in the Budget for Fiscal Year 2024-2025. Council Member Matt Jones seconded. Motion Passed (4:0). None opposed.

ROLL CALL VOTE:

**Chris Rich: For
Jeff Perry: Absent
Matt Jones: For
Erin Allen: For
Randy Jones: For
Chuck Fikes: For**

6. Conduct a Public Hearing regarding a request from Republic Services of Lewisville for a CPI rate increase for Residential Solid Waste and Recycling Collection Services and Containers and for Commercial Solid Waste Collection Services and Containers; discussion of same.
 - Presentation of rate increase request from Republic Service
 - Public Comment
 - Discussion by Council

The Public Hearing opened at 6:30 p.m. and closed at 6:36 p.m.

Cheryl Brock, with Republic Services, provided information.

7. Consider and take appropriate action regarding Ordinance No. 869-24 amending Ordinance No. 781-24 approving an Exclusive Agreement for Solid Waste and Recycling Services between the City and Republic Services of Lewisville (the "Franchise Agreement") to increase various Residential solid waste collection and recycling rates, including rates for containers, to increase various Commercial solid waste collection rates, including rates for containers; providing for a change in bulk waste pickup frequency; approving the amendment of the Franchise Agreement; providing an effective date of October 1, 2024 for the implementation of amendments; and authorizing the Mayor to execute necessary documents.

Director of Development Services & Public Works Leanne Wilson provided information.

Council Member Erin Allen made a motion to approve Ordinance No. 869-24 amending Ordinance No. 781-24 approving an Exclusive Agreement for Solid Waste and Recycling Services between the City and Republic Services of Lewisville (the "Franchise Agreement") to increase various Residential solid waste collection and recycling rates, including rates for containers, to increase various Commercial solid waste collection rates, including rates for containers; providing for a change in bulk waste pickup frequency; approving the amendment of the Franchise Agreement; providing an effective date of October 1, 2024 for the implementation of amendments; and authorizing the Mayor to execute necessary documents. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed.

8. Consider and take appropriate action regarding Ordinance No. 870-24 amending Chapter 13, "Utilities", Article 13. 02, "Solid Waste and Recycling", Section 13.02.005, "Monthly Rates" of the Aubrey Code of Ordinances to amend various rates for solid waste and recycling collection services provided to residential and commercial customers; and providing an effective date of October 1, 2024.

Director of Development Services & Public Works Leanne Wilson provided information.

Council Member Erin Allen made a motion to approve Ordinance No. 870-24 amending Chapter 13, "Utilities", Article 13. 02, "Solid Waste and Recycling", Section 13.02.005, "Monthly Rates" of the Aubrey Code of Ordinances to amend various rates for solid waste and recycling collection services provided to residential and commercial customers; and providing an effective date of October 1, 2024. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed.

9. Consideration and action on a Site Plan application for proposed Lot 1, Block A, Aubrey High School Addition, being approximately 63.613 acres out of the Francisco Trevino Survey, Abstract 1243 generally located south of FM 428 (Spring Hill Road) and east of U.S. Highway 377, City of Aubrey, Denton County, Texas. (AISD)

City Planner Helen-Eve Beadle provided information.

Council Member Erin Allen made a motion to approve the Site Plan application

for proposed Lot 1, Block A, Aubrey High School Addition subject to conditions. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed.

Conditions:

- 1. Approval of the mechanical screening equipment variances and revision of NOTE #2 to reflect P&Z and Council consideration/approval;**
 - 2. Annexation (practice field) and zoning of additions to property shall be applied for; and**
 - 3. An updated lighting and photometric plan meeting the City's standards shall be submitted for review.**
10. Consideration and action on a Final Plat application for Lot 1, Block A, Aubrey High School Addition, being approximately 63.613 acres out of the Francisco Trevino Survey, Abstract 1243 generally located south of FM 428 (Spring Hill Road) and east of U.S. Highway 377, City of Aubrey, Denton County, Texas. (A/SD)

City Planner Helen-Eve Beadle provided information.

Council Member Randy Jones made a motion to approve with the conditions that other requirements for filing shall be provided for filing (signed Final Plat, tax certificate for filing, and filing fees.). Council Member Chuck Fikes seconded. Motion Passed (4:0). None opposed.

11. Consideration and action on a Preliminary Plat application for Lots 1-13, Block A, Highpointe Commercial, being approximately 27.243 acres out of the Francisco Trevino Survey, Abstract 1243 generally located north of FM 428 (Spring Hill Road) and east of U.S. Highway 377, City of Aubrey, Denton County, Texas. (Highpointe Commercial, LLC)

City Planner Helen-Eve Beadle provided information.

Council Member Erin Allen made a motion to approve a Preliminary Plat application for Lots 1-13, Block A, Highpointe Commercial, being approximately 27.243 acres out of the Francisco Trevino Survey, Abstract 1243 generally located north of FM 428 (Spring Hill Road) and east of U.S. Highway 377, City of Aubrey, Denton County, Texas with the 6 conditions outlined. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed.

Conditions:

- 1. Pursuant to Chapter 10, Article 2, Procedures. *The preliminary plat/plans do not provide adequate service to support the development.***

Section 3. Procedures and Submission Requirements for Preliminary Plat Approval.

3.01 Generally.

- 2. Pursuant to Chapter 10, Article 3, Subdivision Design Standards. *The***

preliminary plat does not provide adequate service from streets.

Section 1. Streets.

Section 1.03 Adequacy of Streets and Thoroughfares,

Section 2. Perimeter and Approach Streets.

2.01 Policy and Purpose.

2.03 Specific Perimeter Street Requirements.

2.04 Requirement for Dedication and Construction of Approach Streets.

- 3. City Engineer's report dated City Engineer memorandum dated August 20, 2024.**
 - 4. City Planner's memorandum review dated August 22, 2024.**
 - 5. There are mechanisms in place through an owners'/developers' agreement for completion of the collector road and the roadway shall be completed prior to final plat approvals for any of the Highpointe Commercial Preliminary Plat, Block A, Lots 1 and 13. Fire lane, access and utility easements for Lots 9 through 13 shall be satisfied for Final Plat(s).**
 - 6. An amended assignment letter with Highpointe Corner, LLC shall be submitted outlining the construction and timing of the collector and approval by City Council.**
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12. Conduct the first public hearing in accordance with Texas Local Government Code Section 43.063(a) and other applicable law, to consider testimony and provide members of the public an opportunity to be heard on the proposed annexation of a portion of FM 2931, beginning at the intersection of FM 2931 and Frontier Parkway, continuing north to the intersection of FM 2931 and Spring Hill Road, and any additional adjacent right-of-way, Denton County, Texas.

The Public Hearing opened at 6:56 p.m. and closed at 6:57 p.m. There were no speakers.

City Planner Helen-Eve Beadle provided information.

13. Update and discussion on the Final Plan of Finance to fund project cost of FY 2024- 2025 Utility Capital Improvement Projects.

Finance Director Mike English provided information. No action taken.

14. Receive a report, hold a discussion, and take action on awarding a bid to Gracon Construction, Inc. for a 2.25 MGD Wastewater Treatment Plant

Expansion in the amount not to exceed \$39,957,140 and authorize the City Manager to execute necessary documents.

Director of Development Services & Public Works Leanne Wilson provided information.

Council Member Randy Jones made a motion to award a bid to Gracon Construction, Inc. for a 2.25 MGD Wastewater Treatment Plant Expansion in the amount not to exceed \$39,957,140 and authorize the City Manager to execute necessary documents. Council Member Chuck Fikes seconded. Motion Passed (4:0). None opposed.

15. Receive a report, hold a discussion, and take action on a Professional Services Agreement with Plummer Associates for Construction Management and Resident Project Representative Services for the construction of the wastewater treatment plant, in the amount not to exceed \$1,997,504 and authorize the City Manager to execute necessary documents.

Director of Development Services & Public Works Leanne Wilson provided information.

Council Member Randy Jones made a motion to approve the Professional Services Agreement with Plummer Associates for Construction Management and Resident Project Representative Services for the construction of the wastewater treatment plant, in the amount not to exceed \$1,997,504 and authorize the City Manager to execute necessary documents. Council Member Chuck Fikes seconded. Motion Passed (4:0). None opposed.

16. Consideration and action on removing and/or appointing member(s) to the Aubrey Area Library Advisory Board.

Council Member Erin Allen made a motion to appoint Hallie Nix and Vicky Kao to the Library Board. Council Member Matt Jones seconded. Motion Passed (4:0). None opposed.

17. Consideration and action on appointing member(s) to the Aubrey Parks and Recreation Board.

Council Member Erin Allen made a motion to appoint Peter Dwyer to the Parks and Recreation board. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed.

Department Updates and Discussion:

1. Library:
 - Program Update: Instructional Meditation Hour; bilingual storytime; readathon event; Labor Day closure
2. Fire Department:
 - Station Updates
 - New Medic received
3. Police Department:
 - Council Chamber/Community Center Update: dedication will be September

- 26th at 5 pm
 - Assistant Chief Johnson's acceptance to FBI National Academy.
- 4. Public Works:
 - Rock Hill Well Update: well is not repairable and will need to be redrilled. We are also looking for an additional well site.
- 5. Human Resources: None
- 6. Municipal Development:
 - Mural Update

Future Agenda Requests: None

*****EXECUTIVE SESSION***** In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

1. **Section 551.071(1) and (2) Consultation with Attorney.** For Council to seek the advice of its attorney about pending or contemplated litigation or a settlement offer and to consult with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act:
 - Municipal Development District Annual Budget
 - High Pointe Ranch Development
 - Blackjack Development Agreement
 - High Country Casitas Development
 - Knuckles Road Development
 - Highmeadow Development
 - Springhill Development
 - West Sherman Development
 - Project 38 / South Magnolia and Blackjack Road property acquisition
 - *City of Aubrey, Texas and Town of Providence Village, Texas v. Denton County Fresh Water Supply District 8-A, et al*, Cause No. 24-1985-431, Denton County, Texas
2. **Section 551.072 Real Property.** Deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
 - Property acquisition for municipal purposes
3. **Section 551.087 Economic Development Negotiations.** To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect:
 - High Country Casitas Development
 - Knuckles Road Development
4. **Section 551.071 (2) and 551.074 Personnel Matters.** Consultation with the City

Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act and Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of public officer or employee or to hear a complaint or charge against an officer or employee:

- City Manager

Motion to Recess into Executive Session.

Council Member Erin Allen made a motion to recess into Executive Session at 7:27 p.m. Council Member Matt Jones seconded. Motion Passed (4:0). None opposed.

Reconvene into Open Session: In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider and take appropriate action, if any, regarding any items discussed in Executive Session.

City Council reconvened into open session at 9:18 p.m.

1. Consider and take appropriate action regarding a Development Agreement between the City and Pretium Capital for the property generally located at 1382 E. Blackjack Road, within the City's ETJ; and authorizing the City Manager to execute necessary documents.

Council Member Erin Allen made a motion to approve a Development Agreement between the City and Pretium Capital for the property generally located at 1382 E. Blackjack Road, within the City's ETJ; and authorizing the City Manager to execute necessary documents. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed.

2. Consideration and action on a Resolution granting a petition requesting annexation into the extraterritorial jurisdiction and corporate limits of the City of Aubrey by Pretium Capital LLC, owner of approximately 20 acres of land, located at 1382 E Blackjack Road out of the Francisco Trevino Survey, Abstract No 1243, Denton County, Texas, setting a Public Hearing for the annexation; authorizing and directing the city secretary to have notices of such public hearing be provided as prescribed by law.

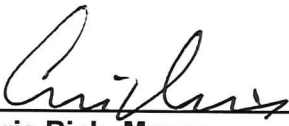
Council Member Erin Allen made a motion to approve Resolution 979-24 granting a petition requesting annexation into the extraterritorial jurisdiction and corporate limits of the City of Aubrey by Pretium Capital LLC, owner of approximately 20 acres of land, located at 1382 E Blackjack Road out of the Francisco Trevino Survey, Abstract No 1243, Denton County, Texas, setting a Public Hearing on September 26, 2024 at 6:00 p.m. for the annexation; authorizing and directing the city secretary to have notices of such public hearing be provided as prescribed by law. Council Member Chuck Fikes seconded. Motion Passed (4:0). None opposed.

3. Consideration and action on the fiscal year 2024-2025 Aubrey Municipal Development District Budget.

Council Member Matt Jones made a motion to reject the MDD Budget as proposed by the Board, to direct the MDD to review its proposed Budget in light of the salary increases approved by the Council in order to include the Council approved increase to the Executive Director's salary and to resubmit a proposed Budget for review by the Council at its August 28th meeting. Council Member Erin Allen seconded. Motion Passed (4:0). None opposed.

The meeting was adjourned at 9:21 p.m.

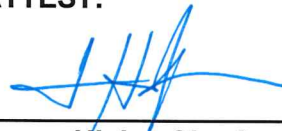
PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 26th day of September, 2024.



Chris Rich, Mayor



ATTEST:



Jenny Hicks, City Secretary